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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 ANTHONY MITCHELL, LINDA
11 MITCHELL, and MICHAEL MITCHELL

Case No.: 2:13-cv-01154-APG-CWH

12 Plaintiffs,

13 v.

14 CITY OF HENDERSON, NEVADA; JUTTA
15 CHAMBERS, individually and in her official
capacity as Chief of the Henderson Police
Department, GARRETT POINIER, RONALD
16 FEOLA, RAMONA WALLS, ANGELA
WALKER, and CHRISTOPHER WORLEY,
17 individually and in their official capacities as
Henderson police officers; CITY OF NORTH
18 LAS VEGAS, NEVADA; JOSEPH
19 CHRONISTER, individually and in his official
capacity as Chief of the North Las Vegas
Police Department; MICHAEL WALLER,
20 DREW ALBERS, DAVID CAWTHORN,
ERIC ROCKWELL, AND /F/N/U SNYDER,
21 individually and in their official capacities as
North Las Vegas police officers; JANETTE R.
22 REYES-SPEER; DOE individuals 1-40, jointly
23 and severally; and ROE CORPORATIONS 1-
40 jointly and severally,

24 Defendants.

25 **STIPULATION AND [PROPOSED]**
ORDER TO STRIKE PLAINTIFFS'
MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT

26 Plaintiffs Anthony Mitchell, Linda Mitchell, and Michael Mitchell (collectively
27 "Plaintiffs"), Defendants City of Henderson, Nevada, Angela Walker, and Christopher Worley
28 (collectively, the "Henderson Defendants"), and Defendants City of North Las Vegas, Joseph

1 Chronister, Michael Waller, Drew Albers, David Cawthorn, Eric Rockwell, and Travis Snyder
2 (collectively, the "North Las Vegas Defendants"), by and through their undersigned counsel of
3 record, hereby stipulate and agree, subject to this Court's approval, as follows:

4 (1) on March 14, 2016, the last day for Plaintiffs to seek leave to amend their pleading
5 pursuant to the Stipulation and Order to Extend Discovery Deadlines (Third Request) (Dkt. 68),
6 Plaintiffs filed a Motion for Leave to File Second Amended Complaint ("Motion") (Dkt. 71),
7 attaching as Exhibit 1, a proposed Second Amended Complaint ("Proposed SAC") (Dkt. 71-1);

8 (2) upon receipt of the Motion and Proposed SAC, counsel for the Henderson Defendants
9 discovered that the Proposed SAC referred to content in, and directly quoted from, documents
10 produced in discovery as "Confidential" pursuant to the Stipulated Confidentiality and Protective
11 Order signed by the Court ("Protective Order") (Dkt. 62), and that, consequently, the filing of the
12 Proposed SAC on the Court's public docket violated the Protective Order;

13 (3) after counsel for the Henderson Defendants informed Plaintiffs' counsel of the same
14 and demanded that the violation be immediately cured, on March 20, 2016, Plaintiffs moved the
15 Court on an emergency basis to withdraw the Motion and Proposed SAC and refile the same
16 under seal ("Motion to Seal") (Dkt. 72);

17 (4) thereafter, on March 22, 2016, the Court issued an order denying the Motion to Seal
18 and ordering the parties to meet and confer "regarding which portions of the proposed second
19 amended complaint violate the protective order and to discuss whether redaction of selected
20 portions of the proposed pleading, or in the alternative wholesale revision of the proposed
21 pleading, are appropriate" ("Order") (Dkt. 73); and

22 (5) the parties desire to maintain and protect the confidential nature of the information
23 contained in the Proposed SAC while they meet and confer as ordered by the Court.

24 WHEREFORE, the parties respectfully request that the Court issue an order providing
25 the following:

26 (a) ordering the Clerk to STRIKE the Motion (Dkt. 71) and the Proposed SAC
27 (Dkt. 71-1) from the docket in the above captioned action, thus rendering
28 them inaccessible;

- 1 (b) that the parties shall meet and confer in accordance with the Court's Order
2 regarding which portions of the proposed second amended complaint
3 violate the protective order and to discuss whether redaction of selected
4 portions of the proposed pleading, or in the alternative wholesale revision
5 of the proposed pleading, are appropriate;
- 6 (c) on or before Friday, April 1, 2016, Plaintiffs shall refile and serve the
7 Motion, either redacting the portions of the Proposed SAC that violate the
8 Protective Order, or attaching a revised Proposed SAC that does not violate
9 the Protective Order ("Refiled Motion");
- 10 (d) as the Refiled Motion will be filed after the March 14, 2016, deadline, the
11 Henderson Defendants and the North Las Vegas Defendants waive their
12 right to challenge the timeliness of the Refiled Motion as it relates to the
13 necessity to refile the Motion in light of the facts outlined herein. The
14 Henderson Defendants and the North Las Vegas Defendants reserve all of
15 their rights to challenge the timeliness of the relief sought in the Refiled
16 Motion in all other respects;
- 17 (e) on or before Friday, April 15, 2016, the Henderson Defendants and the
18 North Las Vegas Defendants shall file and serve their Responses to the
19 Refiled Motion; and

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1 (f) Plaintiffs' Reply in support of the Refiled Motion will be due in accordance
2 with Local Rule 7-2.

3 DATED this 23rd day of March, 2016.

4 BROWNSTEIN HYATT FARBER SCHRECK,
5 LLP

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Rockwell and Travis Snyder

19 IT IS SO ORDERED.

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21 By: /s/ Frank H. Cofer, III
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25 
26 UNITED STATES MAGISTRATE JUDGE

27 DATED: March 25, 2016